

Remarks

I. Introduction

This is in response to the final Office Action dated October 20, 2008, and is being submitted simultaneously with a Request for Continued Examination pursuant to 37 C.F.R. § 1.114.

Claims 1, 6, 16, 18-21, 24, 25, 27-29, 32, 33, 37, 39, and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,956,573 ("Bergen") in view of PCT International Publication No. WO 98/07103 ("Menard"). Claims 2-4, 10-15, 22, 26, 34, 36, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent No. 6,961,954 ("Maybury"). Claims 9, 30, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent Publication No. 2002/0152477 ("Goodman"). Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent Publication No. 2001/0013123 ("Freeman"). Claim 38 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent No. 5,805,763 ("Lawler"). Claims 42 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent Publication No. 20005/0076378 ("Omoigui"). Claim 45 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and Omoigui and further in view of U.S. Patent No. 6,289,346 ("Milewski").

In response, Applicants have amended claims 1-4, and 9-20. Claims 21-30, 32-34, and 36-45 have been cancelled. Claims 1-4, 6, and 9-20 are pending.

II. Information Disclosure Statement

The Office Action states that the information disclosure statement filed 2/17/2005 fails to comply with 37 CFR 1.98(a)2 because copies of NPL documents cited on page 2 have not been provided. Therefore these documents have not been considered. In the Supplemental Information Disclosure Statement dated February 15, 2005, it was noted that "Due to Applicant's change of attorneys, we have been unable to obtain all of the cited non-US patent references."

III. Rejections under 35 U.S.C. §103

Independent Claim

Claim 1 is the sole remaining independent claim. Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard. The Office Action states that Bergen discloses all the limitations of claim 1 except for the limitation that the segments comprise corresponding portions and

portions adjacent to the corresponding portions relevant to the corresponding portions and the user criterion and the limitation of periodically notifying the user that the customized video presentation is available for access from a remote location. The Office Action states that these remaining limitations are disclosed by Menard, and it would be obvious to modify Bergen to include the remaining limitations. In response, Claim 1 has been amended to read:

A method for delivering a customized multimedia presentation to a user, the method comprising the steps of:

- searching, based on a user criterion included in a pre-defined user profile, multimedia assets to thereby identify a subset of the multimedia assets containing portions corresponding to the user criterion, wherein the multimedia assets comprise at least one video asset and at least one of audio assets, still-image assets, and text assets;
- calculating segments of the multimedia assets, the segments comprising the corresponding portions and portions adjacent to the corresponding portions, wherein the adjacent portions are relevant to the corresponding portions and the user criterion, and wherein the segments comprise at least one video segment and at least one of audio segments, still-image segments, and text segments;
- comparing the segments based at least in part on the user criterion;
- selecting at least one segment based at least in part on a communication link to the user;
- combining the selected at least one segment into the customized multimedia presentation;
- making contents of the customized multimedia presentation available to the user; and
- periodically notifying the user that the customized multimedia presentation is available for access from a remote location.

In order to “establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. Neither Bergen nor Menard, either separately or in combination, teach all of the claim limitations of amended claim 1. Applicants respectfully request that the §103 rejection of claim 1, as amended, be withdrawn.

The previous claim 1 claimed a method for delivering a customized video presentation. Amended claim 1 claims a method for delivering a customized multimedia presentation, wherein multimedia comprises video, audio, still-image, and text. A claim for a customized multimedia presentation is fully supported in the specification in par. [0023] and par. [0035]. Claim 1 has been amended to include the limitation of searching multimedia assets. This limitation is fully supported in the specification in par. [0038] and par. [0068]. Claim 1 has been further amended to include the limitations that segments are

calculated from the multimedia assets and the segments are compared with each other. For example, video, audio, still-image, and text segments may be compared with each other for relevant content. In amended claim 1, the customized multimedia presentation delivered to the user is based at least in part on the communication link to the user. For example, if there is a high-speed (broadband) connection to the user, the customized presentation may be a full video presentation. If there is a low-speed (narrow band) connection to the user, however, the customized presentation may include only still images, audio, or text. These limitations are fully supported in the specification in par. [0088].

Dependent Claims

All remaining claims are allowable as being dependent on claim 1, which is allowable as amended. Claims 2-4 and 9-20 have been amended to maintain consistency of language with amended claim 1.

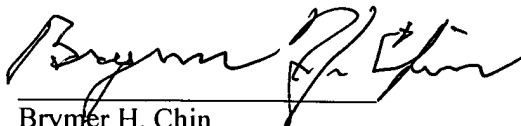
III. No New Matter

All amendments to the claims are fully supported in the specification. No new matter has been added.

IV. Conclusion

Claim 1 has been amended in response to the §103 rejection. Claims 2-4 and 9-20 have been amended to maintain consistency of language with amended claim 1. Claims 21-30, 32-34, and 36-45 have been cancelled. Claims 1-4, 6, and 9-20 are pending. Reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,



Brymer H. Chin
Reg. No. 59,353
Agent for Applicants
Tel.: 973-533-1616

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AT&T Corp.
Room 2A-207
One AT&T Way
Bedminster, NJ 07921